

EXHIBIT 7

**Redacted Version
of Document Sought
to be Sealed**

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION
4 CHASOM BROWN,
5 Plaintiff, Case No.
6 vs.
7 GOOGLE LLC,
8 Defendant.

9 CONFIDENTIAL
10 VOLUME II
11 CONTINUED ZOOM VIDEOTAPED DEPOSITION OF
12 JONATHAN HOCHMAN
13 July 21, 2022
14 10:09 a.m.

15 TAKEN BY:
16 JOSEF ANSORGE, ESQ.
17 ATTORNEY FOR DEFENDANT

18 REPORTED BY:
19 BELLE VIVIENNE, RPR, CRR, NJ-CRR,
20 WA/CO/NM-CCR
21 NATIONALLY CERTIFIED REALTIME
22 COURT REPORTER
23 VERITEXT LEGAL SOLUTIONS
24 JOB NO. 5312353
25 866.299.5127

CONFIDENTIAL

<p>1 APPEARANCES 2 FOR THE PLAINTIFF: 3 MARK MAO 4 BOIES SCHILLER FLEXNER LLP 4 44 Montgomery Street, 41st Floor 4 San Francisco, California 94104 5 415 293 6800 5 mmao@bsflp.com 6 7 RYAN MCGEE 7 MORGAN & MORGAN 7 201 North Franklin Street 8 7th Floor 8 Tampa, Florida 33602 9 813 223 0931 9 rmcgee@forthepeople.com 10 10 ALEXANDER FRAWLEY 11 IAN CROSBY 11 SUSMAN GODFREY 12 1301 Avenue of the Americas 12 32nd Floor 13 New York, New York 10019 13 Afrawley@susmangodfrey.com 14 14 COUNSEL FOR PLAINTIFF IN CALHOUN MATTER: 15 ADAM PROM 15 DICELLO LEVITT & GUTZLER 16 10 North Dearborn Street, Sixth Floor 16 Chicago, Illinois 60602 17 312 214 7900 17 aprom@dicelolevitt.com 18 18 COUNSEL FOR DEFENDANT: 19 19 JOSEF ANSORGE 20 JOHN WILSON, IV 20 QUINN EMANUEL URQUHART & SULLIVAN LLP 21 51 Madison Avenue 21 New York, New York 10010 22 josefansorge@quinnmanuel.com 23 CARL SPILLY 23 QUINN EMANUEL URQUHART & SULLIVAN, LLP 24 1300 I Street, NW, Suite 900 24 Washington, D.C. 20005 25 202 538 8277 25 carlspilly@quinnmanuel.com </p>	<p>1 - - - 2 INDEX 3 - - - 4 Testimony of: 5 JONATHAN HOCHMAN 6 MR. ANSORGE..... 372 7 8 - - - 9 EXHIBITS 10 - - - 11 NO. DESCRIPTION PAGE 12 Exhibit 17 Appendix F..... 374 13 Exhibit 18 Dr. Glen Bernston's 14 deposition..... 379 15 Exhibit 19 Excerpt from Glen 16 Berston's deposition..... 384 17 Exhibit 20 Two-page policy document... 414 18 Exhibit 21 Log Data Usage Rules..... 439 19 Exhibit 22 Article entitled Privacy 20 Threats in Intimate 21 Relationships..... 496 22 Exhibit 24 Understanding Dual 23 Stacking of IPv4 and IPv6 24 Unicast Addresses..... 503 25 </p>
Page 366	Page 368
<p>1 APPEARANCES: (Continued) 2 CRYSTAL NIX-HINES 2 QUINN EMANUEL URQUHART & SULLIVAN LLP 3 865 South Figueroa Street, 10th Floor 3 Los Angeles, California 90017 4 crystalnixhines@quinnmanuel.com 5 5 VIDEOGRAPHER: 6 Sean Grant 7 ALSO PRESENT: 7 Konstantinos Psounis, Ph.D. 8 Julie Burns 8 John Wilson, IV - Quinn Emanuel 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 </p>	<p>1 - - - 2 EXHIBITS (Continued.) 3 - - - 4 NO. DESCRIPTION PAGE 5 Exhibit 25 Ad Personalization 6 Settings..... 512 7 Exhibit 26 Expert Report of 8 Konstantinos Psounis..... 520 9 Exhibit 29 Document Bates numbered 10 GOOG-BRWN-00630517..... 558 11 Exhibit 30 Document Bates numbered 12 GOOG-CABR03923580..... 561 13 Exhibit 31 Document Bates numbered 14 GOOG-CABR-00894408..... 567 15 Exhibit 32 PII document..... 568 16 17 18 19 20 21 22 23 24 25 </p>
Page 367	Page 369

2 (Pages 366 - 369)

CONFIDENTIAL

<p>1 - - -</p> <p>2 DEPOSITION SUPPORT INDEX</p> <p>3 - - -</p> <p>4</p> <p>5 Directions to Witness Not to Answer</p> <p>6 Page Line</p> <p>7 none</p> <p>8</p> <p>9</p> <p>10 Request for Production of Documents</p> <p>11 Page Line</p> <p>12 none</p> <p>13</p> <p>14</p> <p>15 Stipulations</p> <p>16 Page Line</p> <p>17 none</p> <p>18</p> <p>19</p> <p>20 Question Marked</p> <p>21 Page Line</p> <p>22 none</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Veritext. I'm the videographer. And 10:09:57</p> <p>2 the court reporter is Belle Vivienne, 10:09:59</p> <p>3 also from Veritext. 10:10:01</p> <p>4 Please note that the witness has 10:10:03</p> <p>5 been previously sworn in. Counsel, 10:10:05</p> <p>6 you may proceed. 10:10:08</p> <p>7 JONATHAN HOCHMAN, 10:10:08</p> <p>8 having been previously duly sworn by the 10:10:08</p> <p>9 Certified Stenographic Realtime Reporter, 10:10:08</p> <p>10 testified as follows: 10:10:08</p> <p>11 EXAMINATION 10:10:10</p> <p>12 BY MR. ANSORGE: 10:10:10</p> <p>13 Q. Good morning, Mr. Hochman, how 10:10:10</p> <p>14 are you doing today? 10:10:12</p> <p>15 A. So far, so good. 10:10:13</p> <p>16 Q. Do you recall yesterday we were 10:10:15</p> <p>17 discussing your opinion 14 that relates to 10:10:17</p> <p>18 private browsing information being used to 10:10:21</p> <p>19 measure and model conversions? 10:10:23</p> <p>20 A. Yes, I did have a chance to look 10:10:25</p> <p>21 over the rough transcript, and I saw 10:10:30</p> <p>22 that's where we ended. And by the way, as 10:10:32</p> <p>23 I was looking over the rough transcript, 10:10:34</p> <p>24 it reminded me of something that I would 10:10:37</p> <p>25 like to tell you if -- if you're 10:10:40</p>
<p style="text-align: right;">Page 370</p> <p>1 THE VIDEOGRAPHER: Good morning.</p> <p>2 We're going on the record at 10:09:00</p> <p>3 10:09 a.m. The date is July 21, 2022. 10:09:02</p> <p>4 Please note that this deposition is 10:09:07</p> <p>5 being conducted virtually. Quality of 10:09:09</p> <p>6 recording depends on the quality of 10:09:12</p> <p>7 camera and Internet connection of 10:09:14</p> <p>8 participants. What is seen from the 10:09:17</p> <p>9 witness and heard on screen is what 10:09:18</p> <p>10 will be recorded. Audio and video 10:09:20</p> <p>11 recording will continue to take place 10:09:22</p> <p>12 unless all parties agree to go off the 10:09:23</p> <p>13 record. 10:09:25</p> <p>14 This is media unit number 1 of 10:09:26</p> <p>15 the video recorded deposition of 10:09:28</p> <p>16 Jonathan Hochman, volume 2, taken by 10:09:31</p> <p>17 counsel for defendant in the matter of 10:09:33</p> <p>18 Chasom Brown, et al., v Google LLC, 10:09:35</p> <p>19 filed in the United States District 10:09:38</p> <p>20 Court, Northern District of 10:09:40</p> <p>21 California, Oakland Division. Case 10:09:41</p> <p>22 No. 4:20-cv-03664-YGR-SVK. It is 10:09:44</p> <p>23 being conducted remotely using virtual 10:09:53</p> <p>24 technology. 10:09:55</p> <p>25 My name is Sean Grant from 10:09:56</p>	<p>1 interested. 10:10:43</p> <p>2 Q. How long do you expect it to 10:10:44</p> <p>3 take? 10:10:46</p> <p>4 A. One minute. 10:10:47</p> <p>5 Q. Let's do it, Mr. Hochman, one 10:10:48</p> <p>6 minute. 10:10:50</p> <p>7 A. Okay. I mentioned that I hadn't 10:10:51</p> <p>8 prepared a rebuttal report to 10:10:53</p> <p>9 Mr. Psounis -- Dr. Psounis -- 10:10:55</p> <p>10 Professor Psounis, I'm sorry -- whatever 10:10:59</p> <p>11 the case may be. 10:11:02</p> <p>12 And that's because procedurally, 10:11:05</p> <p>13 he -- his report came in as a rebuttal 10:11:08</p> <p>14 and -- and, therefore, I did not have an 10:11:12</p> <p>15 opportunity to write a rebuttal to him. I 10:11:14</p> <p>16 did not want to imply that I agree with or 10:11:16</p> <p>17 concede any of the points in his report. 10:11:19</p> <p>18 In fact, I disagree with all of 10:11:20</p> <p>19 his opinions that relate to my work, and I 10:11:23</p> <p>20 just wanted to be clear on that and also 10:11:28</p> <p>21 give you the chance, you know, today to 10:11:30</p> <p>22 ask me any questions about that should you 10:11:33</p> <p>23 wish to. 10:11:35</p> <p>24 Q. Yeah, thank you, Mr. Hochman. 10:11:37</p> <p>25 We didn't understand you to be agreeing 10:11:38</p>

Page 371

Page 373

3 (Pages 370 - 373)

1 around if you don't mind.	14:58:39	1 BY MR. ANSORGE::	15:04:45
2 Q. Let's just finish the	14:58:40	2 Q. Will you please turn back to	15:04:45
3 questioning on this one document,	14:58:42	3 Exhibit 1, which is your opening report in	15:04:46
4 Mr. Hochman, and then we'll take a break.	14:58:43	4 this matter --	15:04:48
5 A. Sure. Okay. I'm going to	14:58:46	5 MR. MAO: No, we're taking a	15:04:49
6 download it so I can read it very clearly.	14:58:50	6 break.	15:04:51
7 MR. MAO: He wants to know if	14:58:55	7 BY MR. ANSORGE::	15:04:51
8 it's one or two employees. Just go	14:58:56	8 Q. We marked it yesterday.	15:04:52
9 ahead, do that, and then we'll go on	14:58:59	9 MR. MAO: We're taking a break.	15:04:53
10 break. Thank you.	14:59:01	10 MR. ANSORGE: We will do one	15:04:53
11 A. Okay. I'm going to read this.	14:59:07	11 more, and then we will take a break.	15:04:56
12 Give me a moment. I'm actually going to	14:59:09	12 We've been under your --	15:04:56
13 read it from the bottom so it's in	15:00:21	13 MR. MAO: No, we're not.	15:04:56
14 chronological order. Give me another	15:00:24	14 MR. ANSORGE -- control quite a	15:04:57
15 moment.	15:00:26	15 bit today, Mr. Mao. So this is my	15:04:58
16 Q. It's going to be a very short	15:01:33	16 deposition --	15:05:00
17 and simple question, Mr. Hochman.	15:01:34	17 MR. MAO: We are going off the	15:05:00
18 A. Just a second, though, because I	15:01:42	18 record.	15:05:00
19 find this tremendously interesting. Just	15:01:43	19 MR. ANSORGE: And we are going	15:05:00
20 a minute.	15:01:46	20 to do one more.	15:05:00
21 Okay. Go ahead.	15:03:01	21 THE WITNESS: May I request a	15:05:00
22 Q. Is this a document that you were	15:03:02	22 break also? I would like a break as	15:05:02
23 citing?	15:03:03	23 the deponent. It would help me stay	15:05:04
24 A. Now I got to go back and look.	15:03:05	24 focused.	15:05:06
25 3929580? Okay. Go ahead.	15:03:08	25 MR. MAO: You're entitled to	15:05:06
Page 562		Page 564	
1 Q. How many people stated that "The	15:03:49	1 that. Ten minutes. Thank you.	15:05:07
2 blame for people's misconceptions about	15:03:52	2 MR. ANSORGE: No. I'm sorry.	15:05:12
3 Incognito Mode is due to that name and	15:03:54	3 The -- this is going to be short.	15:05:13
4 branding"?	15:03:56	4 We've gone through a lot, and I want	15:05:15
5 A. Chris Palmer stated that and the	15:03:58	5 to close out this module so that we	15:05:18
6 others on the thread seemed to have	15:04:00	6 can take a break and come back with	15:05:20
7 accepted it. Nobody seems to have refuted	15:04:02	7 something different.	15:05:22
8 that.	15:04:05	8 Mr. Hochman, could you please	15:05:23
9 Q. We'll do one more document, and	15:04:06	9 indulge me --	15:05:25
10 then we'll have a break.	15:04:09	10 MR. MAO: Wait. Stop. Stop,	15:05:26
11 MR. MAO: No, I'm going to do	15:04:10	11 stop, stop, please. Okay. You said	15:05:27
12 all of us a favor and take a break,	15:04:11	12 one question. Okay? Is this really	15:05:29
13 ten minutes, and then we'll go to the	15:04:15	13 one question?	15:05:30
14 end, please.	15:04:18	14 MR. ANSORGE: It's going to be	15:05:31
15 A. Can I -- actually, before we do	15:04:18	15 one. It will take, of course -- it	15:05:32
16 the break, I just wanted to maybe -- I saw	15:04:18	16 might take identifying the document,	15:05:34
17 something in here that I want to comment	15:04:21	17 but it should be -- it won't require	15:05:36
18 on. Just give me one second.	15:04:23	18 studying the entire document and it's	15:05:39
19 I see here something interesting	15:04:31	19 clear --	15:05:40
20 that I would like to --	15:04:33	20 MR. MAO: No, we're taking a	15:05:40
21 MR. ANSORGE: Yeah. So there's	15:04:35	21 break.	15:05:40
22 no question pending currently,	15:04:37	22 (Reporter clarification.)	15:05:42
23 Mr. Hochman, and we're short on time.	15:04:39	23 MR. ANSORGE: -- what we are	15:05:42
24 THE WITNESS: Okay. I'll let it	15:04:41	24 asking about?	15:05:47
25 go then. That's fine.	15:04:42	25 MS. NIX-HINES: Let's go off the	15:05:47
Page 563		Page 565	

CONFIDENTIAL

1 record, please. 15:05:48	1 and that Privacy Policy must provide 15:18:59
2 MR. MAO: Thank you. 15:05:48	2 notice of your use of cookies, identifiers 15:19:02
3 MR. ANSORGE: Now, to resolve 15:05:49	3 for mobile devices...(Android Advertising 15:19:05
4 this, not to eat up our time -- 15:05:50	4 Identifier or Advertising Identifier for 15:19:08
5 THE VIDEOGRAPHER: Counsel, I 15:05:52	5 iOS) or similar technology used to collect 15:19:10
6 need -- I need both parties to agree. 15:05:52	6 data"? 15:19:12
7 MR. ANSORGE: Yeah, we can go 15:05:55	7 Did I read that correctly? 15:19:13
8 off the record. 15:05:57	8 A. Yes. 15:19:15
9 THE VIDEOGRAPHER: Going off the 15:05:57	9 Q. Does this look like the same 15:19:29
10 record. The time is 3:06 p m. 15:05:58	10 statements that we were discussing 15:19:31
11 (Whereupon, a brief recess is 15:16:43	11 yesterday, Mr. Hochman? 15:19:32
12 taken.) 15:16:43	12 A. At least it looks similar. I 15:19:37
13 THE VIDEOGRAPHER: Back on the 15:16:43	13 can't verify that it's the same, not 15:19:39
14 record. The time is 3:17 p m. 15:17:06	14 without comparing the two more closely. 15:19:43
15 BY MR. ANSORGE:: 15:17:09	15 Q. I'm going to load another 15:19:46
16 Q. Mr. Hochman, do you recall 15:17:10	16 exhibit for you. And this should be 15:19:50
17 yesterday answering some questions about 15:17:11	17 Exhibit 32. Please let me know once you 15:19:52
18 Exhibit 10, which was entered yesterday 15:17:14	18 have it. 15:19:55
19 and was a copy of Google Analytics' terms 15:17:16	19 (Exhibit 32, PII document, 15:19:55
20 of service that were pulled from the web; 15:17:19	20 marked for identification.) 15:19:56
21 do you recall that? 15:17:21	21 BY MR. ANSORGE:: 15:19:56
22 A. I think I do. I'm going to take 15:17:24	22 Q. Do you recall yesterday -- 15:20:22
23 a look at that exhibit. Okay. Yes, I 15:17:26	23 MR. MAO: Sorry, sorry. I 15:20:23
24 remember that. 15:17:36	24 think -- Witness, I think you're going 15:20:25
25 Q. Could you look to Exhibit 31, 15:17:37	25 to need to download this. It's highly 15:20:26

Page 566

Page 568

1 please? It should be loaded now. It's 15:17:46	1 pixilated. 15:20:29
2 Bates designation GOOG-CABR-00894408. 15:17:48	2 THE WITNESS: I've already 15:20:31
3 (Exhibit 31, Document Bates 15:17:57	3 downloaded and brought it up. 15:20:32
4 numbered GOOG-CABR-00894408, marked 15:17:57	4 MR. MAO: Please go ahead, 15:20:33
5 for identification.) 15:17:57	5 Mr. Ansorge. 15:20:34
6 BY MR. ANSORGE:: 15:17:57	6 BY MR. ANSORGE:: 15:20:35
7 Q. And I'm loading this document 15:17:58	7 Q. Mr. Hochman, do you recall 15:20:36
8 because yesterday your counsel had 15:18:00	8 yesterday we were discussing a document 15:20:37
9 concerns about Exhibit 10 not having a 15:18:02	9 entitled Understanding PII in Google's 15:20:38
10 Bates number. 15:18:04	10 Contracts and Policies? 15:20:42
11 A. Okay. 15:18:09	11 A. I think so. 15:20:47
12 Q. If you turn to Exhibit 31, you 15:18:14	12 Q. Do you recall your counsel had 15:20:48
13 see passage 7. Privacy, which is ending 15:18:19	13 some concerns about the document not being 15:20:49
14 with the Bates designation 411. 15:18:24	14 Bates stamped? 15:20:50
15 A. Okay. I'm there. 15:18:33	15 A. I'll take your word for it. 15:20:53
16 Q. Do you see the first sentence, 15:18:34	16 Q. Do you recall we were discussing 15:20:57
17 Mr. Hochman, says "You will not and will 15:18:36	17 the passage in the middle where it says 15:20:59
18 not assist or permit any third party to 15:18:38	18 "What Google considers PII," and there's a 15:21:01
19 pass information to Google that Google 15:18:40	19 list which includes "e-mail addresses, 15:21:04
20 could use or recognize as personally 15:18:42	20 mailing addresses, phone numbers, precise 15:21:07
21 identifiable information"? 15:18:46	21 locations (such as GPS coordinates - but 15:21:11
22 Did I read that correctly? 15:18:47	22 see the note below) and full names or 15:21:15
23 A. Yes. 15:18:49	23 usernames"? 15:21:17
24 Q. Do you see the third sentence? 15:18:54	24 Do you see that? 15:21:18
25 It says "You must post a Privacy Policy 15:18:56	25 A. Yes. 15:21:21

Page 567

Page 569

52 (Pages 566 - 569)

CONFIDENTIAL

<p>1 Q. Further below, do you see where 15:21:24 2 it says "Google interprets PII to exclude, 15:21:26 3 for example," and then the third bullet 15:21:28 4 lists IP addresses; do you see that? 15:21:30 5 A. Yes. 15:21:34 6 Q. Okay. You can put that document 15:21:37 7 to the side. 15:21:40 8 Mr. Hochman, are you an 15:21:46 9 economics expert? 15:21:48 10 A. I present myself as an expert in 15:21:50 11 the Internet marketing, Internet security 15:22:00 12 and Internet technology. And to the 15:22:01 13 extent that economics would intersect with 15:22:02 14 those areas, then those intersections 15:22:06 15 could be covered by either -- either kind 15:22:09 16 of expertise. 15:22:12 17 I don't hold myself out as a 15:22:13 18 general expert in economics. 15:22:17 19 Q. Have you ever worked as an 15:22:18 20 economist? 15:22:20 21 A. I've worked in various business 15:22:22 22 roles in -- in financial positions, but I 15:22:24 23 don't hold myself out as an expert in 15:22:30 24 economics. 15:22:33 25 Q. Would you regard yourself as an 15:22:34</p>	<p>1 So that's, I think, going to 15:23:44 2 the -- the thing I addressed before about 15:23:47 3 sometimes topics will be at the 15:23:50 4 intersection of two different kinds of 15:23:53 5 expertise. 15:23:55 6 BY MR. ANSORGE:: 15:23:55 7 Q. And are you offering an opinion 15:23:58 8 on this case on Google's business model? 15:24:01 9 MR. MAO: Objection, vague. The 15:24:03 10 document speaks for itself. 15:24:07 11 Sorry. Go ahead. 15:24:07 12 A. Sure. I mean, I'm not sure 15:24:09 13 exactly what you mean by "business model," 15:24:10 14 but I have offered the opinions in my 15:24:12 15 report, and my expertise is sufficient to 15:24:14 16 cover the opinions in my report. And I am 15:24:17 17 familiar with how Google operates and how 15:24:21 18 they make money selling Internet 15:24:25 19 advertising. 15:24:30 20 BY MR. ANSORGE:: 15:24:30 21 Q. And are you offering an opinion 15:24:31 22 in this case on Google's business 15:24:32 23 infrastructure? 15:24:35 24 A. That sounds like it's further 15:24:38 25 afield, but it depends how you're going 15:24:40</p>
<p style="text-align: right;">Page 570</p> <p>1 expert in damages? 15:22:36 2 A. I occasionally am asked to 15:22:39 3 provide opinions that will form the basis 15:22:42 4 of a damages model, so some of the inputs. 15:22:45 5 I can make calculations about, for 15:22:48 6 example, the cost of a marketing campaign 15:22:52 7 or the value of some traffic. 15:22:54 8 So I can make that kind of 15:22:57 9 analysis, but I don't hold myself out as a 15:22:59 10 general purpose economic damages expert, 15:23:05 11 no, and that's not my role in this case. 15:23:08 12 Q. Are you offering an opinion in 15:23:11 13 this case on what type of information is 15:23:17 14 valuable to Google? 15:23:20 15 A. I think that -- 15:23:22 16 MR. MAO: Objection. Sorry, 15:23:23 17 objection, vague. 15:23:24 18 Go ahead. 15:23:25 19 A. Yeah, I mean, I've offered the 15:23:26 20 opinions that are in my reports, and I 15:23:27 21 think I may have explained the reasons why 15:23:29 22 certain information would be valuable to 15:23:33 23 Google and how Google would use it in 15:23:36 24 their Internet marketing advertising 15:23:39 25 provision. 15:23:42</p>	<p style="text-align: right;">Page 572</p> <p>1 to -- maybe you've used some different 15:24:42 2 words that you're trying to refer to 15:24:44 3 something that's in my report. 15:24:46 4 So I am not here admitting -- I 15:24:47 5 don't think I'm talking about that, but 15:24:52 6 I'm not suggesting that something in my 15:24:54 7 report should be knocked out. I'm not 15:24:57 8 giving that to you. I'm not conceding 15:24:59 9 that. 15:25:01 10 Q. Mr. Hochman, are you offering an 15:25:02 11 opinion on the costs Google incurs to 15:25:05 12 generate revenue? 15:25:08 13 MR. MAO: Objection, vague, 15:25:09 14 document speaks for itself. 15:25:11 15 Go ahead. 15:25:13 16 A. I don't recall whether I have 15:25:16 17 said something about that, but if you have 15:25:19 18 any questions about that, you know, feel 15:25:24 19 free to address them to me, and I'll see 15:25:26 20 if I can answer or not. 15:25:29 21 BY MR. ANSORGE:: 15:25:29 22 Q. Are you aware of any passage in 15:25:32 23 your report where you opine on the costs 15:25:33 24 Google incurs to generate revenue? 15:25:36 25 MR. MAO: Objection, vague, the 15:25:38</p>

Page 571

Page 573

53 (Pages 570 - 573)

CONFIDENTIAL

1 document speaks for itself.	15:25:42	1 with Mr. Lasinski.	15:27:37
2 A. I -- you know, the report has	15:25:45	2 BY MR. ANSORGE::	15:27:39
3 its contents and the rebuttal has its	15:25:47	3 Q. Mr. Hochman, do you have any	15:27:41
4 contents. I don't specifically recall	15:25:50	4 understanding of what unique monthly	15:27:42
5 something about that, but if it's in	15:25:53	5 private browsing instances are or	15:27:44
6 there, it stands.	15:25:56	6 abbreviated as UMPBI?	15:27:46
7 BY MR. ANSORGE::	15:25:56	7 A. I mean, those words together	15:27:52
8 Q. Do you opine on Google's	15:26:01	8 make sense to me.	15:27:54
9 measures to save costs at all?	15:26:02	9 Q. Is this the first time you've	15:27:57
10 MR. MAO: Objection, vague, the	15:26:06	10 heard those words put together?	15:27:59
11 document speaks for itself.	15:26:08	11 A. I think I've heard discussions	15:28:02
12 A. I think I may have mentioned	15:26:10	12 about that, you know, browser instances,	15:28:04
13 something about that with regard to the	15:26:11	13 monthly browser instances. I think I've	15:28:06
14 [REDACTED]	15:26:13	14 heard that discussed.	15:28:09
15 [REDACTED]	15:26:17	15 Q. What is your understanding of	15:28:13
16 [REDACTED]	15:26:19	16 what unique monthly private browsing	15:28:14
17 [REDACTED]	15:26:22	17 instances are?	15:28:16
18 [REDACTED]	15:26:24	18 A. I mean, I don't think I used it	15:28:20
19 [REDACTED]	15:26:27	19 in my report so I don't really -- I don't	15:28:22
20 So I'm not going to guarantee	15:26:28	20 really think it's for me to -- to define	15:28:25
21 that I've never mentioned the word "cost,"	15:26:31	21 it.	15:28:27
22 but I -- I don't think that's really been	15:26:33	22 Maybe if you give it to me in	15:28:28
23 the focus of my reports.	15:26:35	23 the context of a document or a usage, that	15:28:29
24 BY MR. ANSORGE::	15:26:35	24 would be appropriate, but I don't really	15:28:32
25 Q. Mr. Hochman, are you familiar	15:26:38	25 like to define something just out of thin	15:28:34
	Page 574		Page 576
1 with a term muling, M-U-L-I-N-G? Does	15:26:39	1 air. Like even in a spelling bee, you can	15:28:36
2 that mean anything to you?	15:26:44	2 always ask for the word to be used in a	15:28:40
3 A. Are you talking about money	15:26:47	3 sentence.	15:28:42
4 muling, or are you talking about something	15:26:48	4 Q. Are you aware of any evidence	15:28:44
5 else?	15:26:52	5 that suggests that Google maintains data	15:28:46
6 Q. What is your understanding of	15:26:52	6 that links monthly private browsing	15:28:48
7 muling, M-U-L-I-N-G?	15:26:53	7 instances to an individual?	15:28:50
8 A. I'm not sure what you're	15:26:56	8 MR. MAO: Objection, asked and	15:28:52
9 referring to. You should just go ahead	15:26:57	9 answered, the document speaks for	15:28:55
10 and define it.	15:26:59	10 itself.	15:28:55
11 Q. Did you explain or discuss	15:27:01	11 A. I mean, I think that there's a	15:28:58
12 muling with Mr. Lasinski?	15:27:02	12 whole bunch of log files and, in theory,	15:29:00
13 A. I don't recall discussing muling	15:27:05	13 it might be possible to calculate that	15:29:02
14 with anyone.	15:27:11	14 from the log files. I also know that	15:29:04
15 Q. Mr. Hochman, did you represent	15:27:11	15 there are a bunch of log files that I	15:29:06
16 to Mr. Lasinski that it is valuable for	15:27:13	16 haven't been allowed to look at. So	15:29:08
17 Google to know the length of time a user	15:27:16	17 that's an unknown unknown.	15:29:10
18 browses?	15:27:18	18 BY MR. ANSORGE::	15:29:10
19 A. I don't remember.	15:27:23	19 Q. And putting that unknown unknown	15:29:13
20 Q. You can't recall one way or the	15:27:30	20 to the side, Mr. Hochman, is it your	15:29:15
21 other whether you discussed this with	15:27:31	21 understanding that there is a direct	15:29:17
22 Mr. Lasinski?	15:27:33	22 relationship between the unique monthly	15:29:19
23 A. I --	15:27:35	23 private browsing instances and the amount	15:29:23
24 MR. MAO: Objection, vague.	15:27:35	24 of data Google collects?	15:29:24
25 A. I don't remember discussing that	15:27:36	25 A. Zoom just dropped out at the	15:29:27
	Page 575		Page 577

54 (Pages 574 - 577)

<p>1 beginning of your question. Could you 15:29:29 2 just ask it again? 15:29:30 3 Q. Yes. I was saying in putting 15:29:31 4 that unknown unknown to the side, 15:29:34 5 Mr. Hochman, is it your understanding that 15:29:36 6 there's a direct relationship between the 15:29:37 7 unique monthly private browsing instances 15:29:40 8 and the amount of data Google collects? 15:29:42 9 A. I'm not sure. I don't think 15:29:45 10 I've analyzed that question yet. 15:29:47 11 Q. Would it be fair to say you 15:29:50 12 don't have an opinion one way or the 15:29:52 13 other? 15:29:54 14 A. I'll just say that I haven't 15:29:54 15 expressed an opinion on that yet. 15:29:56 16 Q. Would you say that you're an 15:29:57 17 expert on the search and browsing patterns 15:30:00 18 of users? 15:30:06 19 A. I think that that's a little 15:30:07 20 broad, and it depends what within it -- I 15:30:08 21 might have some expertise. It again 15:30:11 22 depends on what specific question you have 15:30:14 23 in that area. 15:30:16 24 Q. Mr. Hochman, would you consider 15:30:21 25 the scenario in -- the following scenario, 15:30:22</p>	<p>1 A. Yes. 15:31:39 2 Q. I believe you stated that 15:31:39 3 multiple users on a device is an edge 15:31:42 4 case. 15:31:46 5 Do you recall that? 15:31:47 6 A. It depends on, I think -- 15:31:49 7 multiple users on a device is something 15:31:52 8 that could happen. Maybe you can go back 15:31:54 9 and give me the exact testimony so I can 15:31:58 10 be clear. 15:32:01 11 I think that you were talking 15:32:02 12 about multiple users who had the same user 15:32:03 13 agent string. Yeah, there may have been 15:32:06 14 some further qualifications there. 15:32:07 15 Q. So you stated yesterday that 15:32:11 16 even if you had one of these edge cases 15:32:13 17 where, for example, the IP address user 15:32:16 18 agent string leads back to a computer with 15:32:20 19 multiple users, that sort of edge case 15:32:22 20 even then, the other information that's 15:32:26 21 part of that investigation will generally 15:32:28 22 disambiguate. 15:32:32 23 Does that help refresh your 15:32:33 24 recollection about that topic? 15:32:34 25 A. Yes. Yeah, I -- now I 15:32:37</p>
<p style="text-align: right;">Page 578</p> <p>1 I'll explain it to you, in which a user 15:30:26 2 who's in private browsing mode and they're 15:30:27 3 not signed in to their Google account, and 15:30:29 4 they then visit www.google.com and 15:30:32 5 complete a search, would you consider such 15:30:36 6 a scenario to be an edge case? 15:30:39 7 A. A Google's -- the user is in a 15:30:44 8 private browsing session, they're not 15:30:47 9 logged in, they go to Google.com and 15:30:49 10 conduct a search. 15:30:53 11 Q. That's correct. 15:30:57 12 A. I don't think I could call that 15:30:58 13 an edge case because Google.com is a 15:30:59 14 pretty heavily used website. 15:31:02 15 Q. Did you express any opinion 15:31:05 16 about this to Mr. Lasinski? 15:31:07 17 A. I don't recall expressing an 15:31:12 18 opinion to him. I'm not sure -- maybe 15:31:13 19 you're framing it differently than 15:31:18 20 something I said to him. 15:31:20 21 Q. Over the course of the last two 15:31:30 22 days, Mr. Hochman, you've referred to 15:31:32 23 "edge case" or "edge cases" a number of 15:31:34 24 times. 15:31:38 25 Do you recall that? 15:31:38</p>	<p style="text-align: right;">Page 580</p> <p>1 understand what -- what that was. So, 15:32:38 2 yes, I -- I stand by that testimony. 15:32:39 3 Q. You also testified about bots 15:32:44 4 being an edge case. You recall that? You 15:32:48 5 were talking about an edge case where 15:32:50 6 somebody creates a bot that uses their 15:32:52 7 logged-in activity to do something that 15:32:55 8 runs their browser or uses their browser 15:32:58 9 cookies, that's an edge case. 15:33:00 10 Do you recall that? 15:33:02 11 A. Yes. That wouldn't be the -- 15:33:02 12 the -- a bot operating in the browser as 15:33:05 13 opposed to a separate bot not in the 15:33:10 14 browser, that -- that would probably be an 15:33:12 15 edge case. I mean, of course, there are a 15:33:15 16 lot of bots on the Internet. That's 15:33:16 17 different. I'm not referring to Google 15:33:19 18 bot or Bing bot or any of these other bots 15:33:20 19 that are running around. 15:33:24 20 I'm talking about somebody 15:33:26 21 running a browser plug-in that automates 15:33:27 22 some tasks. There's browser plug-ins you 15:33:29 23 can get that automate repetitive tasks in 15:33:33 24 the browser. 15:33:37 25 Q. And in your opinion, the other 15:33:37</p>

Page 579

Page 581

55 (Pages 578 - 581)

CONFIDENTIAL

<p>1 4:16 p.m. Thank you. 16:16:51 2 MR. MAO: Can I get an expedited 16:16:55 3 copy? 16:16:57 4 THE COURT REPORTER: And a 16:17:06 5 rough? 16:17:06 6 MR. MAO: Yes, please. 16:17:06 7 (Time noted: 4:16 p.m.) 8 9 _____ 10 JONATHAN HOCHMAN 11 12 Subscribed and sworn to before me this _____ 13 day of _____ 2022. 14 _____ Notary Public 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 JONATHAN HOCHMAN 2 jonathan@hochmanconsultants.com 3 July 26, 2022 4 RE: BROWN VS GOOGLE LLC 5 JULY 21, 2022, JONATHAN HOCHMAN, VOLUME II, JOB NO 5312353 6 The above-referenced transcript has been 7 completed by Veritext Legal Solutions and 8 review of the transcript is being handled as follows: 9 <input type="checkbox"/> Per CA State Code (CCP 2025 520 (a)-(e)) – Contact Veritext 10 to schedule a time to review the original transcript at 11 a Veritext office 12 <input type="checkbox"/> Per CA State Code (CCP 2025 520 (a)-(e)) – Locked PDF 13 Transcript - The witness should review the transcript and 14 make any necessary corrections on the errata pages included 15 below, notating the page and line number of the corrections 16 The witness should then sign and date the errata and penalty 17 of perjury pages and return the completed pages to all 18 appearing counsel within the period of time determined at 19 the deposition or provided by the Code of Civil Procedure 20 <input type="checkbox"/> Waiving the CA Code of Civil Procedure per Stipulation of 21 Counsel - Original transcript to be released for signature 22 as determined at the deposition 23 <input type="checkbox"/> Signature Waived – Reading & Signature was waived at the 24 time of the deposition 25</p>
<p>Page 614</p> <p>1 CERTIFICATION 2 3 I, BELLE VIVIENNE, a Nationally 4 Certified Realtime Reporter, do hereby 5 certify: 6 That the witness whose testimony as 7 herein set forth, was duly sworn by me; 8 and that the within transcript is a true 9 record of the testimony given by said 10 witness. 11 I further certify that I am not 12 related to any of the parties to this 13 action by blood or marriage, and that I am 14 in no way interested in the outcome of 15 this matter. 16 IN WITNESS WHEREOF, I have hereunto 17 set my hand this 26th day of July 2022. 18 19 <i>Belle Vivienne</i> 20 BELLE VIVIENNE, CRR, CCR, RPR 21 22 * * * 23 24 25</p>	<p>Page 616</p> <p>1 <input checked="" type="checkbox"/> Federal R&S Requested (FRCP 30(e)(1)(B)) – Locked .PDF 2 Transcript - The witness should review the transcript and 3 make any necessary corrections on the errata pages included 4 below, notating the page and line number of the corrections. 5 The witness should then sign and date the errata and penalty 6 of perjury pages and return the completed pages to all 7 appearing counsel within the period of time determined at 8 the deposition or provided by the Federal Rules. 9 <input type="checkbox"/> Federal R&S Not Requested - Reading & Signature was not 10 requested before the completion of the deposition. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

Page 615

Page 617

64 (Pages 614 - 617)

1 RE: BROWN VS. GOOGLE LLC	
2 JONATHAN HOCHMAN, VOLUME II, JOB NO. 5312353	
3 E R R A T A S H E E T	
4 PAGE ____ LINE ____ CHANGE _____	
5 _____	
6 REASON _____	
7 PAGE ____ LINE ____ CHANGE _____	
8 _____	
9 REASON _____	
10 PAGE ____ LINE ____ CHANGE _____	
11 _____	
12 REASON _____	
13 PAGE ____ LINE ____ CHANGE _____	
14 _____	
15 REASON _____	
16 PAGE ____ LINE ____ CHANGE _____	
17 _____	
18 REASON _____	
19 PAGE ____ LINE ____ CHANGE _____	
20 _____	
21 REASON _____	
22 _____	
23 _____	
24 WITNESS _____ Date _____	
25 _____	

Page 618

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.